

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal No. 2:07 CR 12
(Maxwell)**

RONALD CHRISTOPHER MAYLE,

Defendant.

ORDER

By Order entered May 2, 2007, the Court referred any pre-trial motions to be filed on behalf of either the United States of America or the Defendant in the above-styled criminal action to United States Magistrate Judge John S. Kaull, pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B), and authorized Magistrate Judge Kaull to conduct any necessary hearings in resolving said motions or in preparation for submission of proposed findings of fact and recommendation for disposition.

On May 23, 2007, a Motion To Suppress and a Memorandum In Support thereof were filed by the Defendant in the above-styled criminal action (See Docket Nos. 18 and 19). Said Motion To Suppress is brought pursuant to Rule 41 of the Federal Rules of Criminal Procedure and seeks the suppression, for all purposes, of any evidence seized from the Defendant's residence pursuant to a search warrant issued on November 3, 2006, by Barbour County Magistrate Kathi S. McBee and executed on November 4, 2006. Specifically, the Defendant argues that the Affidavit of Sgt. R.L. Hymes of the Barbour County Sheriff's Department upon which the search warrant was issued does not contain sufficient information to establish probable cause for the issuance of said search warrant and that said Affidavit is based upon hearsay information provided by a confidential

informant or informants with no information provided as to the informant's or informants' reliability or credibility.

The United States' Response To Motion To Suppress was filed on May 31, 2007 (See Docket No. 22), and the United States' Supplemental Response To Suppression Motion was filed on June 6, 2007 (See Docket No. 25).

The docket in the above-styled criminal action reflects that hearings on the Defendant's Motion To Suppress were conducted by United States Magistrate Judge John S. Kaul on June 4, 2007, and July 31, 2007.

On August 15, 2007, Magistrate Judge Kaul entered a Report And Recommendation/Opinion wherein he recommended that the Court deny the Defendant's Motion To Suppress.

Magistrate Judge Kaul's Report And Recommendation/Opinion advised the parties, pursuant to 28 U.S.C. § 636(b)(1), that any objections to said Report And Recommendation/Opinion which were not filed, in writing, with the Clerk of Court within ten (10) days after being served with a copy of said Report And Recommendation/Opinion would be waived.

On August 27, 2007, a Motion To Extend Time To File Objections To Recommendation To Deny Defendant's Motion To Suppress was filed by the Defendant. In said Motion, counsel for the Defendant sought an extension of time until August 29, 2007, in which to file objections to Magistrate Judge Kaul's August 15, 2007, Report And Recommendation/Opinion. The U.S. Response To Defense Motion For More Time To File Objections To The Magistrate's Report And Recommendations was filed on August 28, 2007.

The docket in the above-styled criminal action reflects that the Defendant's Objections To Report And Recommendation/Opinion Denying Defendant's Motion To Suppress were filed with the Court on August 29, 2007 (See Docket No. 40).

In light of the fact that the Court has received and carefully reviewed the Defendant's Objections To Report And Recommendation/Opinion Denying Defendant's Motion To Suppress, it is

ORDERED that the Defendant's Motion To Extend Time To File Objections To Recommendation To Deny Defendant's Motion To Suppress (Docket No. 38) be, and the same is hereby, **DENIED as moot**.

The Court has reviewed the record before it and has conducted a *de novo* review of all matters before Magistrate Judge John S. Kaull in considering the Defendant's Motion To Suppress. It appears to the Court that Magistrate Judge Kaull's August 15, 2007, Report And Recommendation/Opinion accurately reflects the law applicable to the facts and circumstances before the Court in the above-styled criminal action. The Defendant's Objections have not raised any issues which were not thoroughly and accurately considered by Magistrate Judge Kaull in his Report And Recommendation/Opinion. Accordingly, it is

ORDERED that Magistrate Judge Kaull's Report And Recommendation/Opinion (Docket No. 37) be, and is hereby, **ACCEPTED** in whole. It is further

ORDERED that the Defendant's Motion To Suppress (Docket No. 18) be, and the same hereby is, **DENIED** in accordance with the recommendation of United States Magistrate Judge John S. Kaull.

The Clerk of Court is directed to transmit copies of this Order to counsel of record in the above-styled criminal action.

ENTER: September 5th, 2007


United States District Judge